



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Utah State Office
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<http://www.blm.gov>

Incoming



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OK

IN REPLY REFER TO:
 3482
 UTU-61049
 (UT-923)

DEC 04 2006

Alice Carlton
 Forest Supervisor
 Manti-La Sal National Forest
 599 West Price River Road
 Price, Utah 84501

Re: Federal Lease UTU-61049 Raptor (Eagle) Issues

Dear Alice:

On 28 November, 2006, we received an e-mail from the U.S. Fish and Wildlife Service (FWS) regarding eagle nest sites in the area of Federal Lease UTU-61049 and some adjacent active underground mining areas. We understand this e-mail was in response to concerns raised by the Manti-La Sal National Forest (Manti-La Sal FS) personnel regarding raptor sites above the planned underground coal energy operations on this lease.

On the day following receipt of this e-mail BLM met with FWS personnel to review the concerns, the primary issues, and to determine appropriate steps. The Utah Division of Oil, Gas, and Mining (DOGM) joined this meeting in their effort to issue a permit for surface coal mining activities.

As a result of that meeting a summary conference phone call was held on 30 November 2006 with representatives from your office, DOGM, FWS, Utah Division of Wildlife Resources and BLM. The following was concluded:

1. Raptor evaluation and mitigation options need to be addressed well prior to underground mining operations approaching a specific area.
2. The lease includes a Special Stipulation that addresses this issue (Special Stipulation #6 requiring the item above).
3. BLM, as the administrator of the lease, has the responsibility to ensure that this stipulation is met fully by the lessee.
4. Implementing the stipulation should have no effect to delay or complicate the current Manti-La Sal NF Environmental Analysis (MLSEA) effort (being expended for the Manti-La Sal NF).

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DIV. OF OIL, GAS & MINING

On the same day, 30 November 2006, BLM contacted the operator to arrange a meeting, or meetings as necessary, to convey concerns, express possible remedies, and request the operator to prepare and provide a raptor mitigation plan to fully meet the requirements of Stipulation #6. All interested agencies will be invited to this and any subsequent meetings, including personnel from the Manti-La Sal NF as the surface management agency for Federal surface holdings.

BLM believes that because the issue of possible raptor (and other sensitive species) has already been addressed in the coal lease based on an earlier environmental assessment, no further NEPA analysis is necessary. Implementation of the lease stipulation should provide appropriate mitigation for the concern.

However, there appeared to be some confusion expressed by Manti-La Sal NF personnel about how they should address this topic in the EA being prepared to inform your decision on the mining plan. The U.S. Fish and Wildlife personnel offered to assist in preparation of appropriate verbiage (and the offer was repeated by the Utah Division of Oil, Gas, and Mining, and BLM).

We continue to have concerns with the time being taken to complete the environmental assessment. At the 16 August 2006 Interagency Coal Managers meeting, Manti-La Sal NF personnel committed to complete the Manti-La Sal NF Environmental Analysis by 15 September 2006 to allow for a tight but still timely Manti-La Sal approval or statement of issues. Now at the end of November 2006, an additional 2 ½ months, it is unclear if the necessary approvals can be obtained for the operator to proceed in a timely manner to utilize their coal lease UTU-61049. The operator stated, in July 2006 and subsequently, that the operator faces certain financial damages if not able to proceed with timely development.

Please let us know if we can assist in any way. If you have any questions, please contact Steve Rigby at the Price Field Office (435) 636-3604 or Jeff McKenzie of my staff at (801) 539-4038.

Sincerely,

JAMES F. KOHLER

James F. Kohler
Chief, Solid Minerals

cc: Diana Whittington
U.S. Fish and Wildlife Service
2369 West Orton Circle
West Valley, Utah 84119

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Division of Oil Gas and Mining, State of Utah
1594 West North Temple Street, Suite 1210
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BLM UT-070, Price, Utah
UTU-61049 Raptor Eagle issue 12-01-06 JM-SA